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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,294	06/02/2005	Samuel Ozil	0581-1012	8090
465 7590 08/06/2008 YOUNG & THOMPSON 209 Madison Street Suite 500 ALEXANDRIA, VA 22314			EXAMINER MILLER, SAMANTHA A	
			ART UNIT 3749	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/537,294

**Applicant(s)**

OZIL, SAMUEL

**Examiner**

SAMANTHA A. MILLER

**Art Unit**

3749

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 7-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Receipt of applicant's amendment filed on 4/11/2008 is acknowledged.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 7-9, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over BERGER (5,586,861) in view of HOAGUE (6,186,140).

BERGER teaches:

1. A first leak tight case (case surrounding 34 and 48, Fig.1) having at least one inlet opening (34) suitable for sucking in said fluid, and an outlet opening (48), and also a first electrical connection passage (where the wire connecting 26 to 30 goes through the wall of the case, Fig.1) ; a filter cartridge (36); means for mounting the filter cartridge in association with the inlet opening (34) of the first case (Fig.1); an impeller (24, col.7 ll.30-33) having at least one inlet port for sucking in said fluid contained in said first case (icol.3 ll.48-55, and an outlet orifice for delivering said sucked-in fluid (Fig.1), said impeller (24) having a drive motor (22) controllable via a power supply input (col.7 ll.26-30); means for mounting said impeller (24) in the inside of the first case (Fig.1); a duct (14) for connecting the outlet orifice (out of 20) of the impeller (24) to the outside (16) of

the first case (Fig.1), said duct (14) passing in leak tight manner through the outlet opening (48) of the first case (Fig.1); a second case (surrounding 32); a second electrical connection passage (where the wire connecting 22 to 32 goes through the wall of the case, Fig.1) made through the wall of said second case (in order to electrically connect with 32); an electronic control circuit (32); means for associating the first and second cases in such a manner that the first and second electrical connection passages form a single leak proof third electrical connection passage (the wall of the case formed between 34 and 48 since the wire through holes all going through the same wall, where no air is leaking through ); a flow meter (30) disposed inside the duct (Fig.1), said flow meter having an outlet (wire) suitable for delivering an electrical signal representative of the flow rate of fluid passing along the duct (14) (col.3 l.61-col.4 l.10); a first electrical connector (wire connecting 30 to 32) for connecting the output of the flow meter (30) to a first input of the electronic control circuit (32); a second electrical connector (wire connecting 32 to 22) for connecting a first control output of the electronic control circuit (32) to the control input of the motor (22) for driving the impeller (col.4 ll.1-10), and the flow meter (30) has a converter (converting pressure readings to airflow readings) being situated in said duct (14) so that the converter is directly inside the fluid flowing in the duct (Fig.1).

.2. The electronic control circuit (32) is located inside the second case (Fig.1).

Berger teaches the invention above including inherently having a power supply for the controller and motor, however BERGER does not teach the power source.

HOAGUE teaches:

1. a source (404) suitable for delivering electrical energy to an output terminal (OUT1), said source being disposed in the inside of the second case (130) (col.5. ll.5-9 and 35-36); and a third electrical connector (35) for connecting the electrical energy source to a power supply input of the electronic control circuit (410);

4. An electrical connection pin (or any mount) mounted in leak tight manner through the wall of the second case (130) (col.4 ll.15-16 and ll.25-30), the output terminals thereof being situated in the inside of said second case (130) (Fig.4) and being connected respectively to an energy feed input of said energy source (120) and to a control input (404 406) of the electronic control circuit (410) (col.4 l.64-col.5 l.10).

14. An electrical connection pin (any mount) mounted in leak tight manner through the wall of the second case (130) (col.4 ll.15-16 and ll.25-30), the output terminals thereof being situated in the inside (114) of said second case and being connected respectively to an energy feed input of said energy source (120) and to a control input (404, 406) of the electronic control circuit (410) (col.4 ll.63-67).

15. An electrical connection pin (any mount) mounted in leak tight manner through the wall of the second case (130) (col.4 ll.15-16 and ll.25-30), the output terminals thereof being situated in the inside (114) of said second case (130) and being connected respectively to an energy feed input of said energy source (120) and to a control input (404, 406) of the electronic control circuit (410) (col.4 ll.63-67).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of BEGER in view of

the power supply of HOAGUE in order to allow the system to be portable with a battery pack power supply (col.4 ll.63-67).

BERGER teaches the invention above including measuring the airflow to check the efficiency of the system; however BERGER does not teach an alarm.

HOAGUE teaches:

1. said electronic control circuit further including an output suitable for delivering a first alarm signal (202) when the level of electrical energy delivered by said source drops below a determined threshold value (col.6 ll.35-37 and 50-58). A converter controllable from a control input, said converter being suitable for transforming an electrical signal into a sound signal (202) (col.6 ll.58-63); and a fifth electrical connector for connecting the control terminal of the converter to that output of the electronic control circuit that is suitable for delivering said first alarm signal (col.6 ll.58-63).

7. The converter is constituted by at least one of the following elements: a buzzer, a loudspeaker (col.6 ll.58-63).

16. The converter is constituted by at least one of the following elements: a buzzer, a loudspeaker (col.6 ll.58-63).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of BEGER in view of the alarm of HOAGUE in order to upon the filter reaching its predetermined end-of-life condition, the filtering system can alert the user of the filter's end-of-life condition (col.2 ll.43-46)..

BERGER teaches the invention above; however BERGER does not teach a switch.

HOAGUE teaches:

3. A switch (col.5 ll.2) mounted in leak tight manner through the wall of the first case (134) so that its control element is accessible from the outside of the first case (on 134) (col.5 ll.1-3) and its electrical control terminals (via 404 and 406) are situated in the inside of the first case (134) (col.5 ll.1-4); and a fourth electrical connector for connecting the electrical control terminals of said switch to a control input of the electronic control circuit (410) (col.5 ll.1-10).

13. A switch (col.5 ll.2-3) mounted in leak tight manner through the wall of the first case (134) so that its control element (410) is accessible from the outside of the first case and its electrical control terminals (404, 406) are situated in the inside (114) of the first case (134) (col.6 ll.1-10); and a fourth electrical connector for connecting the electrical control terminals of said switch to a control input of the electronic control circuit (col.5 ll.1-7).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of BEGER in view of the switch of HOAGUE in order to turn power on and off to save power from the power source when not needed..

BERGER teaches the invention above including a filter; however BERGER does not teach a filter pellet or cap.

HOAGUE teaches:

8. The filter cartridge (124) is constituted: by a filter pellet (128) for filtering first particles of a given size, said pellet covering said inlet opening (at 126) of the first case (134) in full (Fig.5); and a cap (126) covering said pellet in such a manner that the pellet is situated between the cap and the inlet opening of the first case (134) (Fig.1), said cap including filter orifices/vents for filtering second particles of a size greater than the size of the first particles (col.3 ll.49-50).

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of BEGER in view of the filter of HOAGUE in order to more efficiently filtering out the impurities in the environment.

BERGER teaches the invention above including providing airflow to an indoor space; however BERGER does not teach airflow being connected to a garment.

HOAGUE teaches:

9. The means (108) for making a fluid connection between the end (112) of said duct (130) situated outside said first case (134) with an inlet for feeding the inside of said garment (102) with fluid.

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of BEGER in view of the garment of HOAGUE in order to protect wearers from such health threatening conditions as asbestos-counteracting dusts, radionuclides, blood borne pathogens, etc (HOAGUE, col.1 ll.14-19).



Claims 10-12 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over BERGER (5,586,861) in view of HOAGUE (6,186,140) in further view of JENSEN (4,821,709).

BERGER in view of HOAGUE teaches the invention above and BERGER further teaches:

12. The flow rate regulator circuit (30) is disposed in said first case (Fig.1).

18. The flow rate regulator circuit (30) is disposed in said first case (Fig.1).

However BERGER in view of HOAGUE does not teach a second alarm.

JENSEN teaches:

10. The fact that it includes a flow regulator circuit suitable for delivering a second alarm signal when the fluid flow rate in the duct (14) varies by a determined quantity about a given nominal flow rate value.

11. The fact that it includes means for applying said second alarm signal to the control terminal (51) of said converter (50).

17. The fact that it includes a flow regulator circuit suitable for delivering a second alarm signal when the fluid flow rate in the duct (14) varies by a determined quantity about a given nominal flow rate value.

Therefore, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to have modified the ventilator of BERGER in view of HOAGUE in further view of the teaching of JENSEN in order to provide a ventilator

which will produce sufficient gas exchange to sustain full ventilation of a person without overpressurizing the persons lungs (col.3 ll.10-13).

***Response to Arguments***

Applicant's arguments with respect to claims 1-4 and 7-18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR '1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272 9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Samantha Miller  
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Art Unit 3749

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8/2/2008